

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

MAILED

MAY 14 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte TETSURO MOTOYAMA

---

Application 09/108,705

---

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

---

This application was received electronically at the Board of Patent Appeals and Interferences on April 7, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing are is below:

Section 1208 of the Manual of Patent Examining Procedure (MPEP)

(Eighth Edition, August 2001) states:

APPEAL CONFERENCE

An appeal conference is mandatory in all cases in which an acceptable brief (MPEP ' 1206) has been filed. . . .

. . . .

. . . If the examiner's answer does not contain the appropriate indication that an appeal conference has been held (i.e., including the names of the conferees and identifying themselves as the conferees along with their initials), the Board should return the application directly to the appropriate Technology Center (TC) Director for corrective action. . . . This procedure applies to all examiner's answers received by the Board on or after November 1, 2000.

The Examiner's Answer mailed September 25, 2001 is deficient in that there is no evidence that an appeals conference has been held. Correction is required.

It should be noted that all of the deficiencies listed in the ORDER  
**RETURNING UNDOCKETED APPEAL TO EXAMINER** mailed  
August 1, 2006 have been corrected.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for providing a corrected or revised Examiner's Answer which takes corrective action regarding the appeals conference; and,
2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: Patrick J. Nolan  
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN:psb

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314